

**REMARKS/ARGUMENTS**

Claims 1-25 are pending in the present application. In this response, claim 1 has been amended, claims 22-25 have been canceled, and new claim 26 has been added. Thus, claims 1-21 and 26 are pending.

In the Office Action, the Examiner rejected all the claims over the cited references. In particular, the Examiner rejected claims 1-6, 8-9, and 11-21 under 35 USC §102(b) as allegedly being anticipated by Schofield et al. (WO92/05443) (hereinafter "Schofield") and rejected claims 7 and 10 under 35 USC §103(a) as allegedly being obvious over Schofield in view of U.S. Patent No. 6,569,619 to Sivaraja (hereinafter "Sivaraja").

**Election/Restriction**

Claims 22-25 have been withdrawn from further consideration, as being drawn to a non-elected invention. Applicants have canceled claims 22-25 without acquiescence and prejudice as set forth above.

**Claim Rejections - 35 USC 102**

Claims 1-6, 8-9, and 11-21 have been rejected under 35 USC §102(b) as allegedly being anticipated by Schofield. In order to further the prosecution of the application, Applicants have amended claim 1 without acquiescence and prejudice as set forth above. Applicants respectfully submit that claim 1 as amended is not anticipated by the Schofield for the reasons set forth below. A review of pages 5-6 of the Schofield reference shows that the preferred magnetic element arrangement is such that each magnet applies a magnetic field to one individual vessel (e.g., see third paragraph on page 5 of Schofield); that the individual magnets are cylindrical in shape and have a concave top (e.g. see Fig. 3). Schofield also discloses that the magnets are arranged at an angle to the reaction vessel so that the magnetic force exerted by the magnets is to one side of the vessel. The magnetic elements of Schofield are placed to the side of the vessel rather than directly under the vessel (e.g., see last paragraph of page 7 of Schofield). Not only does Schofield not anticipate the presently claimed invention, but Schofield teaches away from

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PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



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having the device as described by the amended claim 1, in that Schofield teaches away from having magnetic elements that are centered directly under an entire row or column of vessels, as is presently claimed. For the reasons set for the above, Applicants respectfully submit that amended claim 1 is not anticipated by the Schofield reference. Furthermore, considering that dependent claims 5-6, 8-9, and 11-21 include all of the features and elements of amended claim 1 from which they depend, these claims are also patentable to the same extent that amended independent claim 1 is patentable.

#### **Claim Rejections - 35 USC 103**

Claims 7 and 10 have been rejected under 35 USC §103(a) as allegedly being obvious over Schofield in view of U.S. Patent No. 6,569,619 to Sivaraja (hereinafter "Sivaraja"). Applicants respectfully submit that in view of amended claim 1, that claims 7 and 10 are not obvious over Schofield in view of Sivaraja. For reasons set forth above, the Schofield reference not only does not teach or suggest the elements of amended claim 1, but that it teaches away from the claimed invention as described by amended claim 1. Furthermore, Applicants respectfully submit that the deficiencies of the Schofield reference are not overcome by the Sivaraja reference. Furthermore, considering that dependent claims 7 and 10 include all of the features and elements of amended claim 1 from which they depend, these claims are also patentable to the same extent that amended independent claim 1 is patentable.

#### **New Claim**

New claim 26 has been added to provide a suitable level of protection for the presently claimed invention. Support for new claim 26 may be found in paragraph [20] of the specification.

#### **CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.